

a cross-sectional area of the catalytic layer. See specification at paragraph [0038]. JP '708 does not disclose and would not have rendered obvious this claim feature for at least the following reasons.

The Office Action, at page 3, asserts that JP '708 discloses a catalyst-support substrate composed of a heat resistant porous structure having chained pores and a catalytic layer, which is formed on a surface of the catalyst-support substrate, for burning particulates. The Office Action acknowledges that JP '708 does not expressly disclose "a ratio of a number of pixels forming an outer periphery of the catalytic layer to a number of pixels forming the catalytic layer [of] 0.5 or more and an image of 1-3 μm /pixel magnification." The Office Action asserts, however, that JP '708 inherently discloses the claimed ratio of pixels because "the claimed and prior art products are identical or substantially identical in structure or composition, or are produced by identical or substantially identical processes ...". Applicants respectfully disagree.

The claimed filter catalyst and the catalyst of JP '708 are not produced by "identical or substantially identical processes." JP '708 describes a two-step process where (1) the surface of a honeycomb filter and the pores of the filter are coated with a slurry of activated alumina, and (2) excess coating slurry is removed by air blowing or drying. See JP '708, Abstract; and paragraphs [0015] and [0024]. In contrast, the catalytic layer of the claimed filter catalyst is produced by a three-step process where (1) a catalyst-support substrate is coated with a slurry, (2) pressure is generated between the opposite ends of the catalyst-support substrate, and (3) the pressure is equalized between the opposite ends of the catalyst-support substrate. See specification at paragraph [0060]. Removing excess slurry is achieved by holding one end at atmospheric pressure and the opposite end at less than atmospheric pressure, and subsequently equalizing the pressure at both ends (steps (2) and (3)). Thus, the step of removing the excess slurry from the claimed filter catalyst is different from the catalyst of JP

'708 and, thus, the Office Action's assertion that the claimed and prior art products are produced by identical or substantially identical processes is improper.

The claimed filter catalyst and the catalyst disclosed in JP '708 are not "identical or substantially identical in structure or composition." In fact, the coating layer of JP '708 is manufactured by the same "blowing and drying" method as disclosed in the comparative example of the present invention. See specification at paragraph [0082]. As indicated in Table 1 of the specification, the claimed catalytic layer is formed more uniformly on the surface of the catalyst-support substrate as compared to the comparative example. Better uniformity results in sufficient openings of ventilation holes in the catalytic layer to allow exhaust gases to pass. See specification at paragraphs [0003] and [0039]. Because the claimed catalytic layer is formed more uniformly on the catalyst-support substrate as compared to the coating layer of JP '708, the catalysts are not "identical or substantially identical in structure or composition."

Furthermore, JP '708 does not disclose a catalytic layer having a specific ratio of the outer periphery length and the cross-sectional area of the catalytic layer, as defined by the "0.5 or more" pixel ratio of an SEM photograph. JP '708 merely discloses a honeycomb filter and pores of the filter coated with a slurry of activated alumina to achieve high specific-surface-area ingredient. See JP '708 at paragraph [0005]. Nowhere in JP '708 does it disclose a catalytic layer that has the specific outer periphery length and cross-sectional area to produce a "0.5 or more" pixel ratio in an SEM photograph. Thus, the claimed catalyst and the catalyst disclosed in JP '708 are not "identical or substantially identical in structure or composition."

For at least these reasons, JP '708 does not anticipate and would not have rendered obvious claim 1. Claim 2 depends from claim 1 and, thus, also is not anticipated and would not have been rendered obvious by JP '708 for at least the same reasons. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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